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By: **Senators Middleton and Dyson**  
Introduced and read first time: January 31, 2003  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 22, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - Guidelines for**  
3 **Easement Rankings**

4 FOR the purpose of ~~requiring a county governing body to consider certain guidelines~~  
5 ~~adopted by the Maryland Agricultural Land Preservation Foundation when~~  
6 ranking including certain guidelines as required bases for a county governing  
7 body to rank certain easement applications; requiring the Foundation, in  
8 consultation with certain county governing bodies, to adopt certain guidelines  
9 that include consideration of certain factors; and generally relating to the  
10 Maryland Agricultural Land Preservation Foundation and easement rankings.

11 BY repealing and reenacting, with amendments,  
12 Article - Agriculture  
13 Section 2-510(e)  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 2002 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Agriculture**

19 2-510.

20 (e) (1) (i) Within 30 days after the receipt of an application to sell, the  
21 Foundation shall notify the governing body of the county containing the subject land,  
22 that an application to sell has been received.

1 (ii) 1. Within 60 days of the notification, the county governing  
 2 body shall advise the Foundation as to local approval or disapproval of the  
 3 application. The Foundation shall grant a 30-day extension of this response period if  
 4 the county governing body applies to the Foundation for an extension and states its  
 5 reasons for seeking an extension.

6 2. Upon local approval of the application, the county  
 7 governing body shall submit a statement of the total current development rights on  
 8 the subject land to the Maryland Agricultural Land Preservation Foundation, along  
 9 with the application approval notification. The statement shall include the total  
 10 number of development rights that have been subdivided or transferred.

11 (2) In deciding whether to approve the application, the county governing  
 12 body shall:

13 (i) Receive the recommendation of the county agricultural  
 14 preservation advisory board established under § 2-504.1 of this subtitle; and

15 (ii) Rank all applications based on:

16 1. [its] ITS locally established priorities as approved by the  
 17 Foundation, which, for purposes of enhancing competitive bidding, may include a  
 18 system that ranks properties in ascending order with respect to the proportion  
 19 obtained by dividing the asking price by the value of the easement; AND

20 2. ~~ANY GUIDELINES ADOPTED BY THE FOUNDATION TO~~  
 21 ~~IDENTIFY PROPERTIES WHOSE PURCHASE WILL FURTHER THE GOALS OF THE~~  
 22 ~~MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM UNDER PARAGRAPH (3)~~  
 23 ~~OF THIS SUBSECTION.~~

24 (3) (I) IN CONSULTATION WITH COUNTY GOVERNING BODIES, THE  
 25 FOUNDATION SHALL ADOPT GUIDELINES TO IDENTIFY EASEMENTS FOR PURCHASE  
 26 THAT FURTHER THE GOALS OF THE MARYLAND AGRICULTURAL LAND  
 27 PRESERVATION PROGRAM.

28 (II) GUIDELINES ADOPTED UNDER SUBPARAGRAPH (I) OF THIS  
 29 PARAGRAPH SHALL INCLUDE CONSIDERATION OF:

30 1. LOCATION IN A PRIORITY PRESERVATION AREA OF THE  
 31 COUNTY;

32 2. SOIL AND OTHER LAND CHARACTERISTICS ASSOCIATED  
 33 WITH AGRICULTURAL PRODUCTIVITY;

34 3. AGRICULTURAL PRODUCTION AND CONTRIBUTION TO  
 35 THE AGRICULTURAL ECONOMY; AND

36 4. ANY OTHER UNIQUE COUNTY CONSIDERATIONS THAT  
 37 SUPPORT THE GOALS OF THE PROGRAM.

1                   ~~(3)~~    (4)     In making its recommendation, the county agricultural  
2 preservation advisory board shall:

3                   (i)       Take into consideration criteria and standards established by  
4 the Foundation under this subtitle, current local regulations, local patterns of land  
5 development, the kinds of pressures to develop the subject land, State smart growth  
6 goals, and any locally established priorities for the preservation of agricultural land;  
7 and

8                   (ii)       Recommend for ranking any application that qualifies and  
9 meets the priorities established by the county governing body for the preservation of  
10 agricultural land.

11                  ~~(4)~~    (5)     The county agricultural preservation advisory board shall  
12 provide a public hearing concerning any application to sell if such a hearing is  
13 requested by a majority of the county agricultural preservation advisory board, or by  
14 a majority of the county governing body, or by the applicant.

15                  ~~(5)~~    (6)     The board of trustees of the Foundation shall not approve any  
16 application to sell which has not been approved by the governing body of the county  
17 containing the subject land.

18       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2003.